

**These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>**

Planning & Zoning Commission Meeting  
Minutes of January 2, 2013  
1st Floor North Conference Room - City Hall

**Present:** Chairman Nathaniel Cannady, Kristy Carter, Jane Gianvito Mathews, Joe Minicozzi, Holly P. Shriner (recused at 8:45 p.m.) and Paul Smith

**Absent:** Vice-Chairman Jeremy Goldstein

**Pre-Meeting - 4:30 p.m.**

The Commissioner discussed general procedural aspects of certain items on the agenda, and aspects for an upcoming Commission retreat. They were also advised that Mr. Goldstein would be absent due to illness.

**Regular Meeting - 5:00 p.m.**

Chairman Cannady called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

**Administrative**

- ? Ms. Mathews moved to approve the minutes of the December 5, 2012, meeting. This motion was seconded by Ms. Shriner and carried unanimously by a 6-0 vote.
- ? Ms. Shriner moved to approve the minutes of the December 20, 2012, mid-month meeting. This motion was seconded by Ms. Mathews and carried unanimously by a 6-0 vote.
- ? It was noted that the Conditional Zoning from RS-8 Residential Single-Family High Density District and RM-8 Residential Multi-Family Medium Density District to Community Business I/Conditional Zoning for the project identified as the Carman Residence located at 191 Cumberland Avenue, has been moved to February 6, 2013.
- ? It was noted that the request for a subdivision modification to the access requirements for the property located at 389A Chunn's Cove Road, has been moved to February 6, 2013.

**Agenda Items**

Ms. Carter moved to amend the agenda to move the rezoning of property on Possum Trot to first on the agenda. This motion was seconded by Ms. Mathews and carried unanimously on a 6-0 vote.

- (1) Request to rezone property located on Possum Trot (1.35 acres) from Commercial Industrial District to RM-8 Residential Multi-Family Medium Density District. The petitioners are Steven and Jami Garrett. The property is identified as PIN 9626-73-7162. Planner coordinating review – Blake Esselstyn**

Urban Planner Blake Esselstyn oriented the Commission to the site location and said that this parcel sits at the intersection of three zoning districts (CI, CBII, and RM8) without significant geographic features to separate them, and a case could be made that any of the three districts would suit the property. The current zoning designation (Commercial Industrial) maintains the mixed-use zoning at a consistent depth from Brevard Road (to the west).

The applicants, however, also own the adjacent parcel to the east, a residential parcel which neighbors other residential parcels also accessed by the private drive known as Possum

Trot. The rezoning request would make the subject property's zoning consistent with these properties. The applicants' intent is to preserve the subject lot as a wooded buffer in the near term, with the possibility of residential development in the future; they also specifically wanted to prevent further commercial development near these homes.

With a right-of-way only 16 feet wide and a gravel surface, albeit in excellent condition, Possum Trot would not meet the standards for commercial development on a landlocked parcel such as this. The right-of-way could not accommodate two lanes for ingress and egress of commercial traffic, and the topography would make it difficult for creation of a shared access with the parking lot entrance to the south. This limitation further supports the suitability of a residential zoning assignment.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? Proposed zoning is appropriate for the location.
- ? Sub-standard access road would be problematic for commercial development.

Cons:

- ? None noted.

Staff feels only one possible scenario, the recombination of this property with the lot to the west, would create an arrangement that could support commercial development, and even that would present challenges. The proposed residential zoning is fitting for the infrastructure conditions, as well as for the other geographic context, and staff recommends approval.

When Mr. Minicozzi wanted to make sure that we don't lose too much Commercial Industrial property to residential, Mr. Esselstyn said that staff does periodically examine that potential.

Mr. Steven Garrett, property owner, said that he is asking the property to be rezoned basically to have it as a buffer between his and other properties.

Chairman Cannady opened the public hearing at 5:09 p.m. and when no one spoke, he closed the public hearing at 5:09 p.m.

Based on the above findings and the analysis provided in the report, Ms. Mathews moved to recommend the rezoning of 1.35 acres on Possum Trot from Commercial Industrial District to RM-8 Residential Multi-Family Medium Density District. This motion was seconded by Mr. Carter and carried unanimously by a 6-0 vote.

Ms. Carter moved to amend the agenda to move the major subdivision review of Crayton Fields - Phase II to second on the agenda. This motion was seconded by Ms. Shriner and carried unanimously on a 6-0 vote.

**(2) Major Subdivision review for the project identified as Crayton Fields-Phase II located off of Crayton Creek Way. The subdivision proposes to extend the existing roadway and develop 10 single family lots. The owner is Crayton Fields, LLC and the contact is Michael Cook. The property is identified in the Buncombe County tax records as PIN 9657-46-3906.**

Urban Planner Julia Fields oriented the Commission to the site location and said that in 2004 a final plat for a subdivision (Crayton Green) to be located along Merchant and Crayton Roads was approved. Twelve lots were given addresses and development initiated for those lots at that time. This would become Phase I of what is now called Crayton Fields. The original

parcel for this subdivision was 5.518 acres in size. Phase I covered approximately 1.75 acres of this parcel and included the construction of new roadways – Vester Court and Crayton Creek Way, both of which are currently private roads.

Crayton Creek, LLC has submitted a new preliminary plat for Phase II of the subdivision consisting of 10 additional single family lots. The proposal shows an extension of and cul-de-sac ending to Crayton Creek Way and suggests that the streets in this subdivision would be designed so as to become public streets. A sidewalk is shown along Crayton Creek Way. This phase would cover approximately 1.74 acres of the original larger parcel. Crayton Creek runs along the northern portion/boundary of this property. The extension of the road will require traversing Crayton Creek which will be culverted and a bridge built at the point of crossing. The culvert and bridge have been approved by the U.S. Army Corps of Engineers, the N.C. Dept. Environment and Natural Resources, and the North Carolina Wildlife Resources Commission.

Open space and landscaping are provided per City standards with one exception. Due to the requirement of a 30 foot stream buffer from Crayton Creek pushing the development of this property southward, the applicant cannot provide street trees for approximately 440 linear feet along the south side of the road extension. The applicant will be taking a request for alternative compliance to the Tree Commission on January 22, 2013. Staff is supportive of this request due to the constraints on the site and the fact that the applicant is still meeting the required street tree planting numbers elsewhere.

At a meeting on December 3, 2012, the Technical Review Committee for the City of Asheville reviewed and approved with conditions the proposed preliminary plat. Many of these conditions have been addressed in the plans that are presented to the Planning and Zoning Commission.

Planning and Development Department staff recommends approval.

Mr. Minicozzi was concerned about the cul-de-sac and wondered why it would not continue onto Merchant Street during Phase III. Mr. Michael Cook, developer, explained that at this point it is a cul-de-sac because he is not certain what he will be able to do in Phase II and that will determine what will happen in Phase III.

Chairman Cannady opened the public hearing at 5:17 p.m.

Mr. Timothy Sadler wondered if the developer will be meeting any standards to make the development as low impact as it can possibly be, e.g. healthy built standards. Ms. Fields responded that this is a subdivision review only and it's reviewed for technical standards.

Chairman Cannady closed the public hearing at 5:17 p.m.

Mr. Minicozzi felt that connectivity was important of Crayton Creek Way to Merchant Street was important especially since the City will be accepting it for City maintenance.

In response to Ms. Shriner, Ms. Fields said that it will depend on the design and what the developer proposes in Phase III as to whether that will come back to the Planning & Zoning Commission for review.

Based on the above findings and the analysis provided in the report, Ms. Carter moved to recommend approval of the major subdivision preliminary plat for Crayton Fields-Phase II located off of Crayton Creek Way, to extend the existing roadway and develop 10 single family lots, subject to the following conditions (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be

reviewed by the Technical Review Committee; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (5) This project will undergo final review by the TRC prior to issuance of any required permits; and (6) Subject to the granting of the alternative compliance by the Tree Commission. This motion was seconded by Ms. Shriner and carried on a 5-1 vote, with Mr. Minicozzi voting "no."

- (3) Review of Level III site plan for the project identified as New Belgium Brewing Company located at 157 Craven Street. The project proposes to develop a brewery and distribution center. The 216,237 square foot facility will also include administrative offices, visitor's center, and outdoor recreational spaces and the request includes modifications to driveway width, building height and landscaping. The owner is New Belgium Brewing Company and the contact is Susan Freyler. The property is identified in the Buncombe County tax records as PINs 9638-88-0138, 9638-88-1179, 9638-88-2312, 9638-88-3045, 9638-87-1800, 9638-87-5570, 9638-87-9135, and 9638-78-8092.**

**Major Subdivision review for the project identified as Craven Street Parking and Infrastructure Improvements, located off of Craven St., Emma Rd. & Hazel Mill Rd. The infrastructure project proposes to widen and improve approximately 2400 linear feet of the existing Craven St. roadway from Emma Rd. to Haywood Rd., along with associated intersection, stormwater, sidewalk, and on-street parking improvements. Project also includes the installation of a new Low Impact Development public parking lot, public greenway and stream restoration on adjacent properties. The owner is the City of Asheville, Buncombe County and New Belgium Brewery Inc., and the contact is Gabe Quesinberry. Properties are identified in the Buncombe County tax records as PINs 9638-88-2312, 1197, 3045, 0138; 9638-78-8092; 9638-87-1800, 5570, 9135; 9638-78-9646. Easements for grading, construction and storm drainage are proposed for PINs 9638.78-6461, 6020; 9638-77-7916, 8733; 9638.87-0429, 0327.**

Public Works Director Cathy Ball said this is a very complex project and has several different components. The Level III site plan will require a Traffic Impact Analysis (TIA) on two different levels - a basic requirement for the New Belgium project to provide a TIA and the City has gone above and beyond to try to look at the neighborhood and see what impacts currently exist there and look at some long-term strategies to deal with some multi-modal transportation improvements as well. This will be an expanded one - one of which will be the requirements of the building of New Belgium and the City looking at how to improve the area.

Ms. Ball said the other item before the Commission is a major subdivision in that it consists of roadway improvements, regional asset improvements, including stormwater, bike lanes, a greenway, and some off-site infrastructure improvements. The City's component consists of the roadway widening, adding in the Complete Streets (this roadway will meet those requirements), stream restoration and mitigation (through the center of the property which easement will be granted by New Belgium), greenway that will provide a public access and a low impact parking lot for access to the greenway, and some improvements to the Five Points intersection. Urban Planner Jessica Bernstein will provide the Commission with the information on the major subdivision.

Ms. Bernstein oriented the Commission to the site location and said that the applicant is requesting preliminary plat / site plan review for a number of public infrastructure improvements along Emma Road, Haywood Road, Craven Street and Hazel Mill Road (coordinated with the New Belgium Brewing Company Level III project), including roadway reconfiguration, waterline construction, stream restoration, greenway and sidewalk installation and public parking.

This project is considered a major subdivision and according to Section 7-5-8 of the UDO, the Planning & Zoning Commission shall review major subdivision submittals for compliance with applicable standards and regulations.

The project site encompasses the 19.81 acre combination of parcels located on Craven Street between Haywood and Hazel Mill Roads in the River District of West Asheville associated with the New Belgium Brewing Company development as well as a 3.3 acre lot north of Craven Street and a portion of various adjacent parcels for easements related to the roadway and waterline improvements.

The parcels are zoned River and is currently vacant. The site is bordered by the French Broad River to the east, River District and Commercial Industrial-zoned parcels to the north, Commercial Industrial and RM-8 to the west and River District to the south.

The proposal is to widen and improve approximately 2,400 linear feet of the existing Craven Street roadway from Emma Road to Haywood Road with intersection realignments; realignments and improvements for small portions of Emma Road, Hazel Mill Road, Waynesville Avenue, Georgia Avenue, and Logan Avenue; the installation of new public sidewalks along Craven Street and on-street parking improvements. On the New Belgium Brewery site (NBB) the City will be responsible for construction of the greenway connection along the French Broad River and interior stream restoration. Additionally, this application includes two public parking areas proposed north of the NBB site.

Emma Road will be realigned, shifting westward, and two off-street parking locations are proposed. The Low Impact Design public parking area at the greenway trailhead is accessed off of Emma Road to the east and includes 16 spaces, including four handicapped accessible spaces. This lot is designed with a pervious paving system. There are 71 public parking spaces provided in a gravel lot on the west side of Emma Road.

On-street parking is provided along the east side of Craven Street, some areas with pervious pavers. There are 51 spaces shown.

In several locations along the on-street parking along Craven Street, pervious paver system, bioswales and bioretention areas are included. A lot of sensitive design has gone into this proposal.

Interior to the NBB site, stream restoration is proposed (shown on the plans as conceptual until approval of the brewery project). The stream bisects the site and will be exposed for most of its length, then belowground once it reaches the parking areas to the street. Banks will be revegetated with native riparian species.

Two transit shelters are shown on plans, both outbound and inbound, on Haywood Road. Bike lanes and six foot wide public sidewalks are provided on Craven Street. A 12 foot wide greenway connection is provided along the NBB site with a trailhead in the Low Impact Design parking lot.

Landscaping is required for this project and includes street trees for all roadways. The required trees along the NBB site (east side of Craven Street) are provided with the separate Level III submittal. No trees are shown along the west side of Craven Street, which would need to be approved as an alternative compliance request by the Tree Commission.

The parking lots are required to have landscaping, including a street buffer and interior vegetation.

There will need to be a modification of street trees. No trees are shown along the western side of Craven Street. This would need to be approved by the Tree Commission.

The project was reviewed by the Technical Review Committee on December 17, 2012, and approved with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications, with variances and modifications receiving review by the appropriate boards and commissions. Based on this, staff recommends approval of the site plan and proposed development subject to these conditions.

City Attorney Oast explained that this is being treated as a major subdivision because it involves the extension and realignment of some roads and some property transfers in connection with that.

When Mr. Smith asked if the stream retention area is actual water runoff, Mr. Bernstein said that it is an actual stream and will be restored and opened up.

When Mr. Minicozzi asked if there was a crosswalk at Waynesville Avenue to access the sidewalk, Ms. Bernstein said that there is not a crosswalk at Waynesville Avenue because there is no landing on the other side of street. In addition, there is no sidewalk on the western part of Waynesville because those properties are owned by others and this project is not required to build sidewalks on that side of the street.

Ms. Mathews was concerned that there is a neighborhood connection on the western side (Waynesville Avenue) and it would be nice to have a safe way to cross to lanes to get to the other sidewalk on the eastern side.

Director of Transportation Director Ken Putnam explained the distinction between high visibility crosswalk markings and a normal crosswalk marking. He said it's best for pedestrians to cross at intersections with the normal crosswalk markings. They do the high visibility crosswalks mid-block because the driver is not expecting someone to cross. If we start putting high visibility crosswalks at every intersection, then it loses its effectiveness. State law does state that a pedestrian has the right-of-way at every intersection, whether it's marked or unmarked. The trick for us to determine is when to use the high visibility crosswalk markings, especially for someone in a wheelchair - we want them to have a landing place when they get to the other side of the road. It's difficult to get the wheelchair across the street and then they come up against the curb of the sidewalk. On this review process, originally when the design was done they showed high visibility crosswalks at all their intersections and we changed them to the normal crosswalk markings. We have not ruled out crosswalks at other locations as we go through the review process.

Mr. Minicozzi asked if there was a way to prepare for a crosswalk from Waynesville in the future. He suggested a 5 x 5 landing pad with a crosswalk to give some sort of visual indication to drivers that pedestrians might cross at that point. Mr. Putnam said he didn't see anything wrong with that.

Mr. Minicozzi asked if there was a way for a person on Waynesville Avenue to get to the greenway in a direct manner than go around the entire site, Ms. Bernstein said that there are no connections currently from the greenway into the site. At this point in the design the two access points onto the greenway is at either end.

Ms. Bernstein oriented the Commission to the site location and said that the applicant is requesting review of site plans for the construction of a brewery for the production of up to 700k barrels of beer per year with additional space for administrative offices, a retail/visitor center, parking and outdoor recreational spaces. This project is considered a Level III review pursuant to Section 7-5-9(a) of the Unified Development Ordinance (UDO) which designates review for

industrial uses of over 100,000 square feet. Level III projects are reviewed as Conditional Use Permits in all zoning districts.

Regarding the Level III project, Ms. Bernstein said the site consists of a 19.81 acre parcel located on Craven Street between Haywood and Hazel Mill Roads in the River District of West Asheville. The parcel is zoned River and is currently vacant (previously held uses included storage and the old stockyards - buildings have not yet been removed as of the writing of this report but the uses have ceased). The site is bordered by the French Broad River to the east, River District and Commercial Industrial-zoned parcels to the north, Commercial Industrial and RM-8 to the west and River District to the south. The immediate vicinity across Craven Street includes some single-family houses, commercial uses and vacant parcels (both residentially and commercially-zoned).

The proposal is to create a brewery with packaging, administrative and production facilities as well as retail, recreation and visitor uses. Plans indicate a total of 205,737 square feet divided between the production building (42', 2-stories, and 193,757 square feet – storage tanks up to 88') and the liquid center (28', 1-story, and 11,980 square feet). There is also a separate recycling building included in the overall square footage (60', 4,200 square feet).

Additionally the proposal includes space provided for truck access and loading/unloading, separate employee and visitor parking, an event lawn and an active greenway connection along the French Broad River. The site is loosely divided between production and employee uses to the north and visitor uses to the south.

Vehicles will access the site from three driveway cuts with one 40' driveway at the northern end for truck access. The 24' wide employee driveway and the 30' two-way visitor access point are both located towards the southern end of the site.

Parking is provided in three locations as well. The primary employee lot will provide 56 spaces (2 HC accessible); the visitor lot has 51 spaces (2 handicap accessible) and 6 spaces are proposed near the loading area at the production center (1 handicap accessible). There will be 50 bike spaces divided between two locations. \*\*Note that plans show two alternatives for the employee surface parking lot. There is an interpretation currently under review at the State level prohibiting off-street parking under high voltage power lines. Plans provided address the desired layout with parking in the easement location but also moved outside that area in case the interpretation stays as written.

There are abundant pedestrian pathways into and throughout the site and sidewalks are to be provided along the entire frontage of the property as a part of the separate Level II submittal.

Landscaping is required for this project and will include street trees, street buffer, parking lot landscaping, building impact landscaping, screening of loading docks and preservation of landscaping in the required River Resource Yard (an area designated to preserve existing tree stands for river bank stabilization, erosion control and improved water quality). Due to existing Progress Energy transmission lines, the spacing and composition of the street trees and other landscaping up towards Craven Street in these areas may need to be varied in order to comply with utility company restrictions.

Fifteen percent of the total lot area is required to be dedicated as open space, which would be 2.97 acres for this site. More than the minimum is proposed, with at least 3.16 acres shown on the plans. Developments in the River District are required to provide a River Resource Yard and this location is shown on the plans coinciding with the setback from the French Broad River and encompasses dedicated open space as well as a greenway path.

The applicant is requesting the following standards to be modified, based on the unique features of the site and use:

1. *Driveway Width* - The maximum driveway width allowed per the UDO is 24 feet at the throat and 36 feet at the radii. Plans indicate a 40 foot throat / 100 foot radius at the truck entrance; a 30 foot / 75 foot radius with a raised median at the visitor parking access and a driveway with a 50 foot radius at the employee access.
2. *Building Height* - Maximum building height allowed is 60 feet in the River; the malt building maximum height is 77 feet and the storage and production tanks are 88 feet maximum.
3. *Landscaping* - Restrictions from planting around Progress Energy lines along Craven Street may necessitate alternative spacing of street trees as well as a break in the continuous buffer for the loading area and street buffer. Additionally, the applicant is requesting to plant shrubs instead of trees in the loading dock screening and some smaller street trees under the transmission lines.

She said that this proposal was approved with conditions by the Technical Review Committee on November 19, 2012. Evaluation by the River District Design Review Committee occurred on November 28, 2012. Although not technically required, the overall project was brought before the Greenway Commission on December 13<sup>th</sup> to receive their informal support and comment (comments included a desire to see connections to and from the river onto the site and greenway).

City Council must take formal action as set forth in Section 7-5-5(e)(3) of the Unified Development Ordinance (UDO), and must find that all seven standards for approval of conditional uses are met based on the evidence and testimony received at the public hearing or otherwise appearing in the record of this case pursuant to Section 7-16-2(c). Staff's review indicates that all seven standards are met as proposed in the site plan.

**1. That the proposed use or development of the land will not materially endanger the public health or safety.**

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.

**2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

The bulk of the site has been previously graded through its past uses, including the old WNC stockyard and most recently as a mini-storage facility and auction house. Building placement and impervious development is sited outside of the 50 foot setback from the river and respects the required River Resource Yard, which preserves and maintains existing vegetation to stabilize the riverbank, aid in erosion control and improve water quality. There is a separate project submittal addressing stream restoration in the interior portion of the site. The overall project is quite sensitive to the natural features and incorporates many features to improve and respect water quality and natural resources.

**3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**



The overall proposal includes multiple upgrades and amenities that should enhance the value of the area and should not injure the value of adjoining or abutting properties. The development is sited so that the manufacturing portion is aligned with adjacent Commercial Industrial-zoned properties and is set back from the road, screened with vegetation. Improvements proposed with the associated submittal will enhance access to the area through the realignment of Craven Street and multiple intersections and the inclusion of bike lanes and sidewalks as well as will provide upgrades to the water line. Increased traffic and truck routes have been identified as a community concern.

**4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The proposed manufacturing, retail and recreation uses are all supported by the River zoning district and City-adopted plans as stated earlier in this report. The development of the site is designed to respect the required setbacks from the French Broad River and maximize the river and designated open space as amenities. Additionally, the production aspect of the use is sited on the northern end of the parcel, closer to adjacent Commercial Industrial zoning with parking and open space providing a “buffer” against the nearby residential zoning at the southern end of the site. While there are requested height modifications above the 60 foot maximum in the zoning district; they are only for a portion of the production building and the majority of the structures are well under the maximum height allowed. The design of the buildings should compliment the character of the area, relating to the history of manufacturing along the river while incorporating contemporary and unique design elements (example reused beer bottle bottoms pressed into exterior walls of production building).

**5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

Elements of the overall project are directly aligned with the City's goals and objectives including enhancing the riverfront, infill development on a brownfields location, supporting a manufacturing use, multiple multi-modal transportation elements, job creation, economic and community investment, emphasis on water quality and stormwater best practices, recreational amenities with a greenway segment and related infrastructure improvements in the vicinity.

**6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The site is located in an area supported by transit (W1 & W2) and accessible by vehicle. Adequate water supply, fire and police protection, waste disposal and similar facilities are verified during the TRC review process. Associated infrastructure improvements will enhance multi-modal access, emergency protection, waste disposal and water supply.

**7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The draft traffic impact study has been submitted and is currently being reviewed by the Transportation Department. The purpose of the Traffic Impact Study (TIS) is to determine the possible impacts that the project will have on the surrounding street network when the business opens in 2015 and at full buildout in 2022 and to identify any mitigation improvements that might be needed. In addition, this specific TIS is providing a comprehensive review of potential traffic generated by the project and it will address concerns that are raised by the nearby neighborhoods. The primary truck access has been identified as Haywood Road because it is classified as a minor arterial and it provides the most direct access between I-240 and the site. At this time, certain

mitigation improvements have been identified and will be addressed by the developer of the project, the City of Asheville, and the N.C. Dept. of Transportation (NC DOT).

She has received a lot of concern from neighbors in the area about traffic. There would be significant truck traffic created by the proposal as well as the visitors coming and going. The TIA will make recommendations and also a lot of components in the major subdivision are specifically in place to alleviate some of the traffic concerns.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? The proposal revitalizes an adopted brownfields site and is in an area targeted by multiple City plans as an ideal location for development
- ? The brewery and retail use creates jobs and supports the region's growing craft beer reputation
- ? The overall project includes construction of a greenway segment along the French Broad River
- ? The site layout includes significant open space and preservation of existing vegetation, especially along the riverbed to stabilize the bank and improve water quality and erosion
- ? Multi-modal design features are incorporated into the design, including abundant bike parking and a transit shelter. Related infrastructure improvements will result in bike lanes and ADA-compliant sidewalks along Craven Street

Cons:

- ? Due to the unique use and site constraints, plans do not comply with height standards for a portion of the production facilities, landscaping requirements and driveway widths.
- ? Community concern has been expressed regarding the impacts from increased traffic and truck routes

Staff recommends approval of the Level III development proposal for the New Belgium Brewing Company.

Ms. Mathews understood the need for the truck entrance modification width, but had a problem in justifying the double turning radius modifications to the visitor and employee lots that would normally be just vehicles.

In response to Chairman Cannady, Ms. Ball said the only change to Hazel Mill Road will be the realignment at the intersection of Craven Street and Hazel Mill Road. She said they are working to try to elevate the intersection at least 3 feet so they have the opportunity to flatten out at least the beginning of the alignment as it goes up the hill.

In response to Ms. Carter, Ms. Bernstein said there are a number of retaining walls that will be on the east side of the site. Because the greenway is still in the conceptual design phase, those designs are not finalized yet. This project will come back to the Technical Review Committee.

Mr. Putnam said they have received the TIA and a couple of key points is they have asked is that it come to them in a draft format because even after what is said at this meeting, they want to go back and have them incorporate all that information into the study - even after it progresses all the way to City Council. So, when we are finished with this whole process we will have a TIA that will address all the concerns. Again, we have gone beyond what the normal TIA's are. We continue to have meetings with the various neighborhood groups and continue to receive comments. A typical TIA looks at a worst case scenario so if the project will function under the worst set of parameters, then it's a logical conclusion that all the other times it will work better. Right now if we say that all trucks come in on Haywood Road to gain access to the site,

that is the most direct route that exists today. Haywood Road is owned by the NC DOT, with a classification as a minor arterial (kind of street you find the truck traffic and higher traffic volumes). That does not rule out that in the future there will be other routes that rise to the top as the City makes additional improvements. All of these are still being considered. The other major assumption that has been made in this TIA is that the growth rate on Haywood Road between 2012 and 2022 is 3%. Based on what has happened historically over the last 10-15 years we haven't see that kind of growth rate - it's either been flat or 1%. For example, the traffic volumes on Haywood Road today vary from about 8,000-12,000 cars a day. In 2006 it was as high as 16,000. Using the 3% growth rate and then adding in the traffic anticipated by the New Belgium project, the 16,000 won't be there until 2022. It will grow back to that level that it was.

When Mr. Minicozzi asked if, heading north, the trucks have enough clearance to get under the train trestle on Emma Road or Riverside Drive, Mr. Putnam replied that they do not have the clearance. He said that several alternatives were studied before New Belgium even made the decision to come to Asheville and that was one alternative studied. The trucks cannot make the clearance. When Mr. Minicozzi asked if it was possible to lower the road, Mr. Putnam said that area is subject to flooding.

Ms. Susan Freyler, representing the design team for both the major subdivision and the Level III project, said that regarding Ms. Mathew's inquiry about the driveway access width modifications, the visitors lot has a 6-8 foot median that will be planted and by the configuration of getting in and out they need that radius. They anticipate buses will go into the visitor's lot. They will be happy to look at the turning radius and if there is a way to narrow it down, they certainly will. They will also look at modifying the nose of the median as a refuse for pedestrians going across the vehicular traffic. The radius width is needed for the employee lot to make it easier for them to get in and out. Regarding the stream that bi-sects the site, right now the stream has very little water. They will be piping a portion under the employee's parking lot and it will be more of a dry creek with great improvements on the quality of the habitat.

Mr. Edwin Fowler, representing New Belgium as the project manager, said that in response to Ms. Mathews, while they are not fencing the site they are doing some other things to protect the production side of the facility. There is enough planting around one side to discourage people from going into that facility and along the greenway there is a big grade differential between the greenway and the level of the brewery. With plantings in that grade, it will be limited access between those areas for safety reasons. Also as you go away from the production facility, the grade is such that it will require extensive stairs or ramps. In response to Mr. Minicozzi, Mr. Fowler said that there is no access points to the greenway from the site because there is a huge grade differential.

When Ms. Carter asked about signage into the project, Mr. Fowler said that they will have local wayfinding signage on their site, but no discussions have been had yet about wayfinding from a regional standpoint.

In response to Mr. Minicozzi, Mr. Fowler said that they anticipate 100,000 visitors per year, which is similar to Ft. Collins.

When Mr. Minicozzi asked about odor from the brewery, Mr. Fowler said that there is a cereal-type smell, noting that they do not get complaints about the smell from their brewing process in Ft. Collins.

There was a brief discussion, initiated by Ms. Carter regarding bike lanes. Mr. Putnam said that Craven Street will have a bike lane in each direction.

In response to Ms. Mathews, Ms. Ball noted there will be a bike parking component in the parking lot under the bridge for entry into the greenway. She said it may have been an oversight on the plans, but they definitely want bike parking in that area and will make sure that happen.

Chairman Cannady opened the public hearing at 6:13 p.m.

The following individuals basically supported the New Belgium project but expressed concern mainly regarding the primary truck access of Haywood Road. Some concerns/questions expressed included: since there is some missing information on the truck break-out numbers in the TIA, they requested the Commission postpone any action for 1-2 months until that information is provided; postpone action until they hold a large neighborhood meeting on January 16 for input on the draft TIA (need to review ideas of diversifying the truck routes through different neighbors or using smaller trucks; and future roadway improvements, such as RADTIP, will provide opportunities for alternate truck routes and the neighborhood would like to see those future improvements); discrepancies in the TIA on the way potential routes were considered; scale of truck traffic on Haywood Road and Hanover Street and impact on neighboring areas; New Belgium's trucks would double the large truck traffic on Haywood Road during the first year of production and would lead to a large % increase by full production in 2022; currently no semi-trucks use Haywood Road on night or on weekends and the New Belgium operation will be 24-7; inconsistent with Haywood Road being the primary ingress and egress for 1500 households east of I-240 including 260 residents at Pisgah View Apartments who rely on public transportation and walking along Haywood Street; inconsistent with City adopted plans and recommendations for the area that call for bike lanes, increased pedestrian amenities, and traffic calming; inconsistent with New Belgium's goal of fostering and thriving multi-modal communities; noise impact of diesel trucks; request for alternate routes with less impact; keep focus on using Riverside Drive north for truck traffic by either lowering the roadway or raising the bridge; request developers provide a physical model of developments of a certain size and impact; concern about lighting on Waynesville Avenue; alternative plan for routing trucks around the train trestle with cooperation with the railroad; Riverside Drive is the most direct route for the truck traffic; until an entirely new route is created that has a path of less resistance than Haywood Road, Haywood Road will always be used; concern of smell from brewery; due to the large amount of water they will need, they will have to create their own wastewater treatment center which will be located on Craven Street at the gateway to East/West Asheville; site on Craven Street will never support an industrial operation of this scale; the 88 foot height of the 50 fermenting tanks will be higher than the Jeffrey Bowen Bridge; and urging to fix the railroad trestle on Riverside Drive so trucks will not be travelling through neighborhoods all day and night:

Mr. Rich Lee, resident on Deaver Street representing the East/West Asheville  
Neighborhood Association

Ms. Heather Rayburn, member of the Five Points Neighborhood Association

Mr. Adam Pittman, area property owner

Mr. Timothy Sadler

Mr. Jonathan Wainscott, resident of East/West Asheville

Mr. Richard Cary, resident on Howard Street

Chairman Cannady closed the public comment at 6:56 p.m.

Mr. Smith felt the best primary truck access is on Riverside Drive. It would be a simple way for trucks to get out onto the interstate and not bother any residential. He felt that the City should do what it has to in order to make that the primary truck route and not have trucks travelling on Haywood Road. The City/New Belgium/Railroad should work to remove the obstacle of the train trestle on Riverside Drive.

Mr. Putnam said that Mr. Smith is correct as far as direct access. We have had initial contacts with the railroad and as far as replacing the structure or raising the structure is cost prohibitive. To raise a railroad structure, you can't just raise it 2 feet, you have to raise and extend both approaches. We have done some initial study in the past of trying to lower the road itself to gain that height and it would only create a flooding area that would have to somehow be

pumped out in any rain event. We have also looked at trying to share the railroad right-of-way and go beside it, but the railroad didn't want any part of that due to safety-related issues.

In response to Mr. Minicozzi, Mr. Putnam said that he did not know the cost of a pump.

Mr. Smith said that there will be thousands and thousands of dollars of improvements for making Haywood Road the primary access and wondered why we did not spend that money in fixing the railroad structure on Riverside Drive. He felt that pumping out the water would be cheaper. Mr. Putnam said that the cost on Haywood Road is not that significant. The cost of the traffic signal at Beecham's Curve is approximately \$100,000 and the other NC DOT improvements will make at the interchange is approximately \$200,000. The NC DOT is obligated financially for about \$300,000 along Haywood Road.

Ms. Mathews understood that the RADTIP plans are not final, but suggested another route over the Craven Street Bridge and then go south since that is more vehicular/industrial traffic oriented. Mr. Putnam said that has been identified in the TIA as a future secondary route.

In response to Ms. Shriner regarding the timeline of the RADTIP, Mr. Putnam said that we have to have something under construction within six years. In the meantime we are trying to secure funding, not only for right-of-way, but for future construction of this \$15 Million project. Unless we can find help through the federal government, most of that money would have to come from City resources.

Ms. Ball said that it's her understanding that New Belgium has control of 70% of the vehicles going in and out and felt it may be possible to have a requirement that with the 70% they do control that they control the route they use to get in and out.

Mr. Gabe Quesinberry, Mattern & Craig Traffic Engineer that performed the TIA, said that New Belgium has a fairly significant amount of control over the vehicles. They control routes, time of deliveries, etc. He said it is a 24-7 operation with more deliveries during the daytime hours.

Ms. Mathews asked if the Commission has any control on saying what the route is since 70% of the vehicles are under New Belgium's jurisdiction. City Attorney Oast said that it is a little hard in the land use approval context to specify conditions that can't be taken care of in a site plan. He felt the concern regarding truck traffic is obvious and one way to address that is that the truck traffic be monitored and request semi-annual or annual updates. His understanding is that even if they could control all the traffic, there is only one way in there because of the structural limitations of the road. He didn't know what purpose would be served by putting a condition on the permit that would require control of the truck traffic. He said that if the Commission wants to look into that type of condition, staff can try to address it before it goes before City Council.

Mr. Smith felt that public safety should be first and foremost and Haywood Road, with all its pedestrians, bicyclists and area neighborhoods, seems to be a safety hazard. City Attorney Oast said that the improvements proposed to Haywood Road by the NC DOT are supposed to make the travel from the interstate to Craven Street easier.

Mr. Minicozzi agreed with Mr. Smith to leverage the NC DOT's \$300,000 investment on Haywood Road and put that into the trestle on Riverside Drive. He felt the community would be willing to allow truck traffic on Haywood Road if the area on Riverside Drive was flooded. Mr. Putnam said that the \$300,000 is NC DOT's investment and the City has no say in what it is used for.

In response to Mr. Smith, Mr. Putnam said that Waynesville Avenue (or other neighborhood streets) has never been an option and the City would not support truck traffic on those residential streets.

Mr. Putnam responded to Ms. Shriner when she asked what the City and the NC DOT will be doing to help accommodate the trucks from I-240 onto Haywood Road to the New Belgium site.

In response to Ms. Carter, Mr. Putnam said that the NC DOT only plans on changing the turning radius at the Hanover Street intersection.

When Mr. Minicozzi asked what the clearance is under the railroad trestle, Mr. Putnam said the legally required clearance needs to be 13.6 feet and the trestle height is 13 feet. Mr. Minicozzi suggested lowering the road 2 feet and then it would be safe for the trucks. Ms. Ball said that there are two issues regarding the Riverside Drive access - one issue is the lowering the road and putting in drains; but there is another intersection which we would have to acquire property and make radius improvements because currently that intersection does not allow for larger vehicles.

Mr. Minicozzi said there is also an opportunity cost on the real estate valuation that is happening on Haywood Road. We are going to extract the cost one way or another through this project, so we should solve the problem with design.

In response to Ms. Shriner, Mr. Putnam explained the suggested option of sharing the railroad right-of-way. In order to do that, they would need permission of the property owner - which is the railroad - and they were approached, but did not want to talk about it. They did not want a truck that close to one of their trains and we can't force them to let us use their right-of-way. The railroad emphasizes safety and he reiterated that they do not want any vehicles around their trains.

When Mr. Smith asked under what law the railroad operates under, City Attorney Oast believed that the railroad is like a utility and they have their own powers of condemnation; whereas, the City has very limited, if any, ability to condemn property that they own without their consent.

In response to Chairman Cannady, City Attorney Oast said that he may be able to craft a condition that addresses the use of the alternate route (Amboy to Lyman to Roberts). He felt that would require some discussion with New Belgium representations to see how feasible that it.

When Ms. Mathews asked if there is a light planned at Craven and Haywood, Mr. Putnam said that at this point in time the TIA did not recommend a signal at that intersection.

In response Mr. Smith, Mr. Putnam said that even if they conditioned the permit to use the alternate route, the NC DOT would never prohibit trucks from using Haywood Road since it is a minor arterial road.

When Ms. Carter asked what would happen if the Commission did not vote on this at this time, City Attorney Oast said that under the economic development agreement that the City has entered into with New Belgium, it anticipates them starting in January 2013 and it is a fairly tight timetable.

Ms. Shriner asked if any of the concerns raised by Mr. Lee were addressed by the City or New Belgium. Ms. Bernstein said that the City's Neighborhood Coordinator Marsha Stickford has been trying to coordinate a meeting to meet with representatives of that Neighborhood Association. Personally she did not recall seeing Mr. Lee's concerns in writing ahead of time.

When Mr. Smith and Ms. Carter questioned the number of 88 feet storage and production tanks, Ms. Carter felt it would be helpful to see the full-buildout on the plans. Ms. Bernstein said that on the master plan they provided, they grayed the things that were in the future. The way that we have our approval is that when the developer has something that is phased, we want

them to show it on the master plan. There have been other larger Level III projects that have been phased and in our approval we have stipulated that future expansions have to come back at a certain level. Depending on the size of that, it could hit the Level II threshold anyway or bump it up and be required to come back for review, but not knowing the exact numbers on those future expansion areas, we can recommend a condition that makes sure the build-out comes back in a certain way.

Mr. Smith is all for growth and jobs; however, he felt we are looking at incomplete plans and the deadlines seem more important than getting the project right.

When Ms. Carter wondered what the process will be to get to a final TIA, Mr. Putnam said that at the City Council meeting, Council can place additional traffic related conditions on the project and those conditions would be included in the TIA before they receive a final sealed document.

Chairman Cannady felt this is a great project but agreed that the biggest problem is the truck route on Haywood Road but he didn't see a good option around that. When he asked how many trucks currently use Haywood Road, Mr. Quesinberry said that based on their TIA, there is approximately 120 truck trips on Haywood Road now and we are adding approximately 52 more a day at full build-out.

Ms. Shriner said that New Belgium has done an amazing job with their project and they are very concerned about the greenway and the river. However, she is also concerned about the traffic on Haywood Road. By the year 2022 there will be an additional 52 trucks per day on Haywood Road and hopefully in that span of time there will be better road mitigation and improvements in the River District. She felt City Council would be better qualified to put a condition on any alternate routes.

Chairman Cannady said that the Commission can send a recommendation to City Council and ask New Belgium to limit the 70% of vehicles that they have control over to use the alternate route (Amboy to Lyman to Roberts).

City Attorney Oast didn't know if there was any reasonable thing that can be done to correct the physical conditions that are leading to the truck issue. It may not be physically impossible to lower the road or raise the bridge, but it's financially prohibitive. The Commission could recommend approval, but express strong concern about the truck traffic and request that New Belgium propose some creative way of dealing with it. They may have ideas we have not thought of. A number of things come to mind, e.g., control the truck size, divert a percentage of truck traffic onto the Amboy Road/Lyman route, etc. His point is the issues that are leading to the concern about the truck traffic probably cannot be solved at this meeting, and maybe not at the Council meeting. If it is enough concern by the Commission and New Belgium has not established that it meets the seven criteria for a conditional use permit, then it may have to be denied. The Commission's options are to approve, approve with conditions, or deny. The Commission can also continue to get additional information.

Ms. Mathews said that the Commission could condition that 70% of the traffic that they control should be moved to the secondary route. City Attorney Oast said that the Commission can make that condition; however, the issue with a condition like that they can sometimes be difficult to enforce.

Mr. Smith felt that before the City welcomed a project of this size the funds needed to be in place to accommodate the traffic of the development. City Attorney Oast noted that the City's professional staff has said that the roads are adequate to handle the traffic.

Mr. Putnam responded to Chairman Cannady when he suggested possibly lowering the 35 mph speed limit on Haywood Road to 20 mph, noting that only the NC DOT has the ability to set the speed on Haywood Road.

Mr. Minicozzi suggested this matter be continued to the January 17 mid-month meeting in order to get the cost to lower the grade of the road. In addition, the neighborhood meeting in mid-January will have occurred and New Belgium might have some time to come back with some solutions. Ms. Fields noted that if the Commission's recommendation is postponed to January 17, the item tentatively scheduled for City Council consideration on January 22 would need to be postponed until February.

At 7:53 p.m., Chairman Cannady called a 10-minute recess.

City Attorney Oast reviewed the economic development agreement and said that New Belgium is expected to complete the project by December 31, 2015, but not to begin by any certain date. Their own estimation is that they would need to begin site improvements sometime around January of 2013 in order to have it completed by December 31, 2015. He did note that there are provisions in the agreement to extend.

Ms. Ball clarified that City staff has spent over a year to look for alternative routes, noting that they met with New Belgium even before they even came here. While the Haywood Road route is definitely not desirable, we can commit to the Commission that City staff and New Belgium representatives have heard the issues and concerns. Of every developer she has ever worked with, she has never seen a company that is more willing to try to be a part of the community. She felt sure that they will go back and think of every possible way to try to find other ways to route the trucks, other than Haywood Road. She doesn't think that can happen by the mid-January meeting. She thinks there are several obstacles involved, not just lowering the road, e.g., property acquisition, condemnation, looking at the radius for the trucks at the intersection. It's not as easy to say that \$300,000 will solve the problem. What City staff can commit is that the developer and the City will look at every possible option for not having truck traffic on Haywood Road, but that can't happen in two weeks. She said there are two issues before the Commission - the major subdivision vote and the vote on the conditional use permit.

Mr. Smith stressed that he supported business, but hearing that the City spent a year to try to find another route sounds like the City doesn't think that Haywood Road is a safe route.

Ms. Ball said that after buildout in 2015 we are talking about 12 round trip vehicles on Haywood Road. We also have to correlate that there are a number of other projects that are happening in the future that will help us be able to spread that traffic around. She believed that Haywood Road is a safe route. When you increase traffic on any street, there is a potential for someone to be harmed. We don't think all trucks will use Haywood Road, so we are making improvements at Five Points because we want trucks to use that route. We still think Haywood Road is safe and we do think there are things we can do to make it safer. They will look at the turning radius at the Hanover Street intersection. She appreciated the input and dialogue and noted that they are committed to continue meeting with the community.

Ms. Shriner asked if the Commission could condition that the TIA will be reanalyzed annually. City Attorney Oast said that we frequently issue approvals that certain conditions be monitored annually or semi-annually and reported back to Council. If the situation deteriorates, depending on what the information tells them, they can explore ways to address some of the negative impacts.

In response to Ms. Carter, Mr. Lee reiterated his concern about the missing truck break out numbers and Mr. Quesinberry explained the information.



Regarding the major subdivision, Ms. Mathews noted they have requested alternative compliance for street trees, the Commission discussed a crosswalk and a 5-foot landing pad across the street from Waynesville Avenue, and bike parking in the lot accessing the greenway. City Attorney Oast felt the most appropriate place to put conditions is in the conditional use approval - the subdivision is ministerial approval and it either satisfies the requirements or it doesn't. The alternative compliance for the street trees must be approved by the Tree Commission, and Ms. Ball has indicated that there will be bike parking in the lot accessing the greenway and in the future the crosswalk and 5-foot landing at Waynesville Avenue.

Based on the above findings and the analysis provided in the report, Ms. Mathews moved to recommend approval of the major subdivision site plan for Craven Street Parking and Infrastructure Improvements, located off of Craven Street, Emma Road and Hazel Mill Road, to widen and improve approximately 2400 linear feet of the existing Craven St. roadway from Emma Road to Haywood Road, along with associated intersection, stormwater, sidewalk, and on-street parking improvements, and the installation of a new Low Impact Development public parking lot, public greenway and stream restoration on adjacent properties, subject to the project complying with all conditions outlined in the TRC staff report. This motion was seconded by Ms. Carter and carried unanimously by a 6-0 vote.

Ms. Mathews suggested two conditions to move this project forward: (1) distribution of traffic (70% which is under the control of New Belgium) to alternative routes other than Haywood Road; (2) yearly monitoring of the traffic analysis.

Mr. Minicozzi was frustrated that he doesn't have all the information and the Commission is being requested to vote on this. Even it's \$750,000 to make Riverside Drive the primary route, he needed to take into account what will be the tax effect on the properties on Haywood Road and the future losses of potential redevelopment to our community.

Mr. Smith again expressed his concern that Haywood Road is not adequate for the size of this development and safety should be the first concern.

Ms. Shriner liked the suggested conditions by Ms. Mathews that the traffic be monitored on a regular basis as this development grows. And if New Belgium will continue to meet with the neighborhood and try to come up with better solutions in addition to distributing the truck traffic to alternative routes.

Ms. Carter also was concerned about the truck traffic on Haywood Road, and agreed with Mr. Minicozzi in that the timing of this development is the issue more so than the money. She thought she could support the project as long as there is an annual monitoring of traffic. Her fear in that condition though is that we want the annual monitoring, but what happens when the reality comes against the national standards. She did feel that New Belgium has gone above and beyond to make the situation work as much as they can.

In response to Ms. Mathews, Ms. Freyler agreed to minimize the radius at the visitor and employee parking lots to make them more pedestrian accessible.

Based on the above findings and the analysis provided in the report, Ms. Mathews moved to recommend approval of the conditional use permit adopting the proposed master plan for the New Belgium Brewing Company, and approval of the modifications to the driveway width at the truck entrance, building height and landscaping, subject to the conditions recommended by City staff and subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved

must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (6) New Belgium is to construct one transit shelter on a concrete ADA pad built by the City on the east-bound side of Haywood Rd., just southwest of Craven Street; (7) minimize the radius at the visitor and employee parking lots to make them more pedestrian accessible; (8) distribute approximately 70% of the traffic, which is under the control of New Belgium, to alternative routes other than Haywood Road; and (9) provide a monitoring of traffic analysis on a yearly basis with a report to the Planning & Zoning Commission and City Council. This motion was seconded by Ms. Shriner and carried on a 4-2 vote, with Mr. Minicozzi and Mr. Smith voting "no."

- (4) A request for a Conditional Zoning from Highway Business District, Community Business I District and RS-8 Residential Single Family High Density District to Highway Business District/Conditional Zoning for the project identified as Harris Teeter Phase 2 located at 17 and 23 Eloise Street and 136, 176 and 180 Merrimon Avenue, to facilitate additional outparcel development in addition to the Harris Teeter store. A modification to the landscape buffer has been requested. The owner is Jasmine Development, LLC and the contact is Garland Hughes. The property is identified in the Buncombe County tax records as PIN 9649-33-7795, 9649-34-9101, 9649-34-9188, 9649-34-8159, and 9649-34-7179.**

Ms. Carter moved to recuse Ms. Shriner from participating in this matter due to a conflict of interest. This motion was seconded by Ms. Mathews and carried unanimously on a 5-0 vote (Ms. Shriner did not participate in the vote). At this time, Ms. Shriner left the room for the remainder of the meeting).

Urban Planner Julia Fields oriented the Commission to the site location and said that due to a notification error resulting from changes to computer software, staff and the applicant for the Conditional Zoning Application for the property located at 17 and 23 Eloise Street and 136, 176, and 180 Merrimon Avenue (PINs 9649.33-7795; 9649.34-9101, 9188, 8159, and 7179) have agreed that this conditional zoning request (Harris Teeter and Additional Outparcels) should be reheard at the January meeting of the Asheville Planning and Zoning Commission. The Planning & Zoning Commission heard the report also at the December 5, 2012, meeting. The previously distributed staff report along with this accompanying memorandum serve as the official staff report for this hearing. She then briefly outlined the project summary.

She provided the Commission with a list of uses that the developer is limited to on the site per the lease agreement. Additionally, the applicant has modified their request and will limit outparcel development to one drive-thru. The staff recommendation now reads:

Staff recommends approval of this request subject to the conditions noted in the TRC report and with the landscape modification requested. Staff also recommends adopting the following conditions agreed upon by the developer/applicant:

- ? No more than four outparcels.
- ? Buildings shall be no more than 32 feet in height.
- ? Those buildings fronting on Merrimon will be oriented to the street and placed as close to Merrimon as is reasonably possible based on the ultimate uses.
- ? The architectural design and building materials used for the outparcels will be similar to that being utilized in the Harris Teeter construction.
- ? A maximum of 25,000 square feet of building space will be constructed on the outparcels.
- ? No more than one drive-thru operation will be permitted.

Staff recommends approval of this request subject to the conditions noted in the TRC report and with the landscape modification requested. Staff also recommends that the buildings

not be limited to one story to leave open the opportunity for development of buildings more urban in nature. At a meeting on November 19, 2012, the Technical Review Committee reviewed this proposal and approved it with conditions.

At the Planning & Zoning Commission's meeting on December 5, 2012, following considerable discussion, the following amended motion failed on a 3-3 vote, with Chairman Cannady, Vice-Chairman Goldstein and Mr. Smith voting "yes" and Ms. Carter, Ms. Mathews and Mr. Minicozzi voting "no". (Ms. Shriner was recused): Moved to recommend approval of the project identified as Harris Teeter Phase 2 located at 17 and 23 Eloise Street and 136, 176 and 180 Merrimon Avenue, from Highway Business District, Community Business I District and RS-8 Residential Single-Family High Density District to Highway Business District/Conditional Zoning, and approval of the modification to the landscape buffer, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (6) There be no more than four outparcels; (7) Buildings shall be no more than two stories with a maximum of 32 feet in height; (8) Those buildings fronting on Merrimon will be oriented to the street and placed as close to the Merrimon as is reasonably possible based on the ultimate uses; (9) The architectural design and building materials used for the outparcels will be similar to that being utilized in the Harris Teeter construction; (10) The developer be allowed no more than two drive throughs, with only one drive through fast food restaurant; (11) A maximum of 25,000 square feet of building space will be constructed on the outparcels; (12) if the traffic counts exceed, as indicated in the originally submitted Traffic Impact Study, as the uses are brought in one by one for final review, that a new Traffic Impact Study would need to be conducted including the impact from Trader Joe's traffic; (13) There be a sidewalk connectively from Merrimon Avenue to the building on the site in the lower left corner (which already shows a sidewalk in the front of that building); and (14) The list of permitted uses in the Highway Business District that will not be a part of the development be approved by City Council.

Ms. Fields said she has received numerous e-mails regarding this project; most concerns were about traffic and the potential of a fast food restaurant on the site. Other concerns included no drive throughs, odors related to fast food, air pollution due to idling, cut-through traffic, noise from drive throughs, need for local businesses on the property, suggestion of off-street parking on Eloise if there was a potential for it to be widened, concern of traffic along Chestnut Street, need for traffic calming around Five Points neighborhood, better crosswalk from E. Chestnut to Maxwell & Monroe, more enforcement of no parking, and others.

In response to Mr. Minicozzi regarding the location of the dumpster, Mr. Steve Vermillion, developer, said that they haven't finished the site plan so a location has not been determined; however, he agreed to locate the dumpster 100 feet away from the residential properties.

Chairman Cannady opened the public hearing at 8:54 p.m.

The following individuals expressed concerns of the project for several reasons, some being, but are not limited to: fast food drive-throughs are not consistent with smart growth; air quality from idling at a drive-through, odor from restaurants, existing congested traffic area; no notice from City regarding the development:

Mr. Benjamin Gillum, area resident

Ms. Heather Rayburn, resident on Woodrow & N. Holland  
Ms. Brandee Boggs, resident on Maxwell Street  
Ms. Carol Stangler, resident on Westover Drive  
Mr. Nick King, area resident

At 9:07 p.m., Chairman Cannady closed the public hearing.

Mr. Minicozzi said that the majority of this site is zoned Highway Business so they do the ability to do drive-throughs on the property. There is a trade-off from the developers to reduce their ability of three drive-throughs to one. He understood the community's frustration on the site zoning. He supported adding a condition that the dumpster not be located with 100 feet from residential properties.

Mr. Smith encouraged the public to apply for City boards & commissions because even though they would have one vote, they can make a difference.

Ms. Carter felt her concern during the last vote was the two drive-throughs. Even though the developer is now proposing one drive-through it doesn't alleviate the traffic concerns at Chestnut and the neighboring streets. However, she will support this conditional zoning with the condition to the dumpster location.

Ms. Mathews realized that the developer has made improvements to their request; however, she was frustrated with the site zoning and not following the comprehensive plan.

Based on the above findings and the analysis provided in the report, Mr. Smith moved to recommend approval of the project identified as Harris Teeter Phase 2 located at 17 and 23 Eloise Street and 136, 176 and 180 Merrimon Avenue, from Highway Business District, Community Business I District and RS-8 Residential Single-Family High Density District to Highway Business District/Conditional Zoning, and approval of the modification to the landscape buffer, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (6) There be no more than four outparcels; (7) Buildings shall be no more than two stories with a maximum of 32 feet in height; (8) Those buildings fronting on Merrimon will be oriented to the street and placed as close to the Merrimon as is reasonably possible based on the ultimate uses; (9) The architectural design and building materials used for the outparcels will be similar to that being utilized in the Harris Teeter construction; (10) The developer be allowed no more than two drive throughs, with only one drive through fast food restaurant; (11) A maximum of 25,000 square feet of building space will be constructed on the outparcels; (12) if the traffic counts exceed, as indicated in the originally submitted Traffic Impact Study, as the uses are brought in one by one for final review, that a new Traffic Impact Study would need to be conducted including the impact from Trader Joe's traffic; (13) There be a sidewalk connectively from Merrimon Avenue to the building on the site in the lower left corner (which already shows a sidewalk in the front of that building); (14) City Council review the list of uses that the developer is limited to on the site per the lease agreement; and (15) the dumpster not be located with 100 feet from residential properties. This motion was seconded by Chairman Cannady and carried on a 4-1 vote with Ms. Mathews voting "no". (Ms. Shriner was recused).

### **Other Business**

Chairman Cannady announced the next meeting on February 6, 2013, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Mr. Minicozzi updated the Commission on the zoning map discussions. He e-mailed the Commissioners a copy of the zoning map. He has been working with City staff on several items, one of which is to see if there are any high priority sites where there is incongruous zoning. He is looking at if there more intense uses next to less intense uses. He will be going before the City Council Planning & Economic Development Committee on January 15 to give them a heads up that the Commission is considering this and give them some of the back story of the cases that precipitated this. He wondered how to best present it to the Commission. He imagined that he would come back to the Commission at perhaps a mid-month meeting and provide them with an update along with a map.

When Ms. Mathews suggested small informal meetings for Mr. Minicozzi to share his results, Ms. Fields suggested that this item can be handled at the Commission's retreat. Planning & Zoning Director Judy Daniel said that she will send out a notice to the Commissioners to look for retreat dates in March.

Ms. Carter and Mr. Minicozzi felt it would be more appropriate to bring this to the Commission at a mid-month meeting instead of the retreat.

Chairman Cannady confirmed that Mr. Minicozzi would just update the Commissioners at their next meeting.

#### **Adjournment**

At 9:20 p.m., Ms. Mathews moved to adjourn the meeting. This motion was seconded by Mr. Minicozzi and carried unanimously on a 5-0 vote.